

REMARKS

Applicant thanks the Examiner for participating in a cordial telephone conference with the undersigned on September 23, 2010, during which the present rejections over prior art were discussed.

During the discussion, the Examiners indicated that in order for functions of the processor to be considered, claim 1 should be amended to recite the programming used by the processor as a separate element of the claim, which has been done with the foregoing amendment.

Furthermore, through this amendment, claim 1 has been amended so that it now recites a computation of a rheological value for a mixture that involves the use of rotational movement of the drum and hydraulic pressure applied to the drum over a period of time. As Applicant noted in the interview, this distinguishes the claim from, e.g., the Zandberg prior art. Zandberg shows at col. 6 line 35 that a calculation of slump is performed from an average of pressure measurements, but does not mention that drum movement (such as, in the present invention, drum speed, drum speed stability) should be part of slump measurement. Furthermore, the claims distinguish from the statement at col. 2 line 9 of Zandberg which refers to the necessity not to use torque loading monitoring until after a time delay, which is clearly different from using both torque loading and drum activity in computing slump.

Applicant notes that the Buckelew prior art cited in the Office Action shows a “DRUM COUNTER” which is used to count rotations of the mixing drum, but Applicant has been unable to find any mention of the drum counter and hydraulic pressure in computing a rheological value for the mixture in the drum.

Applicant’s cancellation of claims 20-27 is believed to overcome the remaining objections. Therefore, in view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23-3000, under Order No. RSSO 02US from which the undersigned is authorized to draw.

Dated: October 14, 2010

Respectfully submitted,

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